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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,472	01/28/2000	James P. Mitchell	00CR063/KE	2281

7590 07/27/2006

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EXAMINER
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LAMBRECHT, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/493,472	MITCHELL, JAMES P.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher M. Lambrecht	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

The declaration filed on May 1, 2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the Conrad reference, U.S. Patent No. 6,810,527 (filed Sept. 27, 1999).

The declaration fails to establish prior conception. The Inventor declares that he conceived of the claimed invention, in the United States, prior to the filing date of the Conrad reference; and that such conception is evidenced by Exhibit A, a document that was prepared prior to the filing date of the reference. (Declaration, item 4.) However, the declaration does not include a statement of facts demonstrating the correctness of this conclusion. A statement of facts to this effect is necessary to satisfy 37 CFR 1.131. See MPEP § 715.07(I).

Further, the declaration fails to establish that Applicant either (1) completed the invention by conducting an actual reduction to practice prior to the effective date of the reference or (2) was diligent in completing the invention from prior to the effective date of the reference until a subsequent reduction to practice (either actual or constructive). See MPEP 715.07(III).

### ***Response to Arguments***

Applicant's arguments filed May 1, 2006 have been fully considered but they are not persuasive. As discussed above, the declaration under 37 CFR 1.131 is ineffective to overcome the Conrad reference. Conrad, therefore, is not disqualified as prior art, and the rejections based on this reference are maintained.

Applicant's failure to adequately traverse facts Officially noticed in the prior Office action is treated as an admission of the facts so noticed.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad (of record) in view of Podowski (of record).

Regarding claims 1, 12, 13, and 17, Conrad discloses a communication system (fig. 1) for a mobile platform [50, 53], the mobile platform being stationary at a docking area (terminal, col. 5, ll. 14-18 and col. 9, ll. 50-55), the communication system comprising:

a satellite receiver [208] (fig. 3) on the mobile platform [50, 53] (col. 8, ll. 61-67);

a wireless docking area transceiver [203] (fig. 3) (col. 9, ll. 50-55);

a wireless platform transceiver [228] (fig. 3) (col. 9, ll. 50-55);

a wireless platform transceiver [228] on the mobile platform [50, 53] receiving order wire data (col. 6, ll. 30-41 and col. 7, ll. 5-14) and video data (col. 8, ll. 40-49) from the wireless docking area transceiver while the mobile platform is at the docking area (col. 5, ll. 14-18); and

a storage unit [220] (fig. 3), the storage unit being located on the mobile platform (col. 8, ll. 61-64), the wireless docking area transceiver [203] providing the video data and the order wire data (col. 7, ll. 5-14) to the wireless platform transceiver [228] while the mobile platform is at the docking area (col. 9, ll. 50-55), wherein the storage unit stores the video data for playback in the mobile platform and the storage unit storing the order wire data (col. 11, ll. 41-45), the order

Art Unit: 2623

wire data controls a source of video playback of a program being either video data in the storage unit or the satellite receiver, or both the storage unit and the satellite receiver (col. 11, l. 64 - col. 12, l. 15). Thus, Conrad teaches that the docking area receives the order wire and video data from a distribution center, and communicates said data to the mobile platform while said mobile platform is at the docking area. Conrad fails, however, to disclose the docking area receives said data via a satellite receiver, and stores it in a storage unit of a server located in the docking area.

In analogous art, Podowski discloses a docking area [terminal] for a mobile platform [aircraft] (see fig. 1) at which various entertainment and control data are communicated from a distribution center to said mobile platform (see cols. 2-3). Located in the docking area is a server, [41] (fig. 4; col. 3, ll. 40-45) comprising a satellite receiver [42] and a storage unit [44] (fig. 4) for storing video data and other data received by the satellite receiver [42] (col. 5, ll. 5-35) and subsequently relaying said data to the mobile platform while the mobile platform is at the docking area (col. 6, ll. 22-38). In response to information transmitted therewith, the server buffers information packages provided by the distribution center until said information is to be transferred to its respective mobile platform (col. 5, ll. 40-53), thereby simplifying the distribution process as experienced by the distribution center (col. 3, ll. 54-63).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the docking area of Conrad to include a server comprising a satellite receiver and a storage unit, as taught by Podowski, said server being configured to store order wire data and video data received by the satellite receiver in the storage unit in response to the order wire data, thereby simplifying the distribution of said data by the distribution system.

As to claims 2, 9, 10, 11, 15, 18, 22, and 25-27, Conrad and Podowski together disclose the communication system of claims 1, 13, and 17. In addition, Conrad discloses the video data includes (and the order wire data schedules) Internet data (col. 9, ll. 39-46), safety message data, advertisement data, or entertainment data (col. 15, ll. 9-40).

As to claims 3, 6, 14, and 19, Conrad and Podowski together disclose the communication system of claims 1, 13, and 17. In addition, Conrad discloses the mobile platform is an airplane [50, 53].

As to claims 4 and 20, Conrad and Podowski together disclose the communication system of claims 1, 13, and 17. In addition, Conrad discloses the wireless docking transceiver is a short-range transceiver (col. 5, ll. 32-38).

As to claim 5, Conrad and Podowski together disclose the communication system of claim 1. In addition, Conrad discloses the wireless platform transceiver is a radio frequency short range transceiver (microwave link, col. 5, ll. 32-38).

As to claims 7 and 23, Conrad and Podowski together disclose the communication system of claims 1 and 17. In addition, Conrad discloses the mobile platform is a boat (col. 17, ll. 43-54).

Regarding claims 8 and 24, Conrad and Podowski together disclose a communication system and method according to claims 1 and 17, respectively, but fail to explicitly disclose the mobile platform is a road vehicle.

Official notice is taken of the fact that it is well known in the art to incorporate passenger entertainment systems in road vehicles (*e.g.*, buses), for the purpose of providing passengers with video entertainment and other interactive services.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the communication system and method of Conrad and Podowski in a road vehicle, for the purpose of providing enhanced interactive entertainment services to the passengers.

Regarding claims 16, 21, and 30, Conrad and Podowski together disclose the communication system of claims 13 and 17. In addition, Conrad discloses the wireless platform transceiver transmits mobile platform operational data to the wireless docking area transceiver (col. 10, ll. 25-33).

Regarding claim 28, Conrad and Podowski together disclose the communication system of claim 21. In addition, Conrad discloses the control information (col. 10, ll. 25-33) includes identity information (where TCP/IP communication protocol is employed, col. 10, ll. 10-20, communications between the mobile platform and the airport wireless link inherently comprise identity information).

Regarding claim 29, Conrad and Podowski together disclose the communication system of claim 28. In addition, Conrad discloses the control information (col. 10, ll. 25-33) includes destination information (where TCP/IP communication protocol is employed, col. 10, ll. 10-20, communications between the mobile platform and the airport wireless link inherently comprise destination, i.e., address information).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on weekdays from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on weekdays at (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M. Lambrecht  
Examiner  
Art Unit 2623

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